

### **REMARKS/ARGUMENTS**

Claims 3-5 have been canceled. Claims 7, 8 and 9 have been added.

Minor amendments have been made to the remaining claims to overcome the examiner's rejections.

#### **(Restrictions / Election)**

The undersigned hereby affirms the 3 February, 2006 telephone election to prosecute the invention of specie II to figures 9-16, claims 1 (as amended), and 3-5 (new claims 7-9). The remaining claims 2, 6 are drawn to specie I, a non-elected invention.

#### **(Claim Rejections)**

The examiner has rejected Claim 1 under 35 U.S.C. 102 as anticipated by Naka et al (5072257). The examiner states the Naka et al (figure 2) shows all the elements of Applicant's claim 1 including at least one panel lifter (6) having top wall 6(b) and two side walls (6a), the side walls slidably extending through a first and second slots (figure 13) rigidly attached to the lower surface (indirectly) for vertical travel of the top wall and side walls upwardly through a generally rectangular panel recess.

As amended, Naka et al neither teaches or suggests the panel lifter handle of the present invention. Naka et al discloses a floor panel device *for fixing a floor panel* to a pedestal support. There, a support member 6(a) extends upwardly from the support legs and is formed with an internally threaded portion 6, a bearing member 7 on the retainer plate 5 for threadingly engaging

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with the internal threaded portion 6, and a panel holder 9 cooperating with the bearing member to *fix each corner* of the floor panels 2.


In contrast, the panel lifter 10 in accordance with the present invention extends upwardly from a recess in the floor panel to serve as a handle when removing or reinstalling the panel in a floor matrix. As amended, claim 1 identifies that the handle forms no part of the pedestal supporting structure.

**(Claim Objections)**

The examiner has objected to claims 3-5 as being dependent upon a rejected base claim 1, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In accordance therewith, applicant has added new claims 7-9 and canceled claims 3-5.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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